

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMANUAL S. COATES,
Plaintiff,

No. 2:05-cv-003

-v-

HONORABLE PAUL L. MALONEY

KATHERINE KAFczynski, ET. AL.,
Defendants.

ORDER

Before this Court is Plaintiff Coates' objection (Dkt. No. 302) to an order issued by a magistrate judge. Plaintiff Coates requested an order temporarily suspending the collection of court fees from his Prison Trust Account. Plaintiff explained, due the collection of court fees and several indigent institutional loans, more than 90% of the money deposited in his account is automatically withdrawn, forcing him to take additional institutional loans. Plaintiff requested a six month temporary suspension of the collection of court fees. The magistrate judge denied (Dkt. No. 301) Plaintiff's motion. Plaintiff filed this objection in which he requests this court exercise its discretion and modify the order denying his motion.

Plaintiff correctly identifies the appropriate standard of review. Rule 72(a) of the Federal Rules of Civil Procedure allows a party to object to a ruling by a magistrate judge by filing objections in the District Court where the case is assigned. FED. R. CIV. P. 72(a). Under the Rule, the district court judge "must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.* Plaintiff also cites *Cincinnati Ins. Co. v. Byers*, 151 F.3d 574, 578 (6th Cir. 1998) for the proposition that, under exceptional and extraordinary circumstances, a court may grant relief from an order or judgment.

Plaintiff's objection is **OVERRULED**. Plaintiff has not established that the magistrate judge's order was either clearly erroneous or contrary to law. This Court may not alter the magistrate judge's order absent some legal or factual error, even if this Court would have decided the motion differently. *See Anderson v. City of Bessemer City, N.C.*, 470 U.S. 564, 573 (1985) (interpreting the "clearly erroneous" standard in Rule 52(a)). **IT IS SO ORDERED.**

Date: August 18, 2009

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge